

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JUL 26 2005

FILED
CLERK'S OFFICE

DOCKET NO. 1456

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE
LITIGATION**

The County of Madison v. Abbott Laboratories, Inc., et al., N.D. New York,

C.A. No. 5:05-714

County of Jefferson v. Abbott Laboratories, Inc., et al., N.D. New York,

C.A. No. 7:05-715

CONDITIONAL TRANSFER ORDER (CTO-24)

On April 30, 2002, the Panel transferred 16 civil actions to the United States District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 58 additional actions have been transferred to the District of Massachusetts. With the consent of that court, all such actions have been assigned to the Honorable Patti B. Saris.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the District of Massachusetts and assigned to Judge Saris.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of Massachusetts for the reasons stated in the order of April 30, 2002, 201 F.Supp.2d 1378 (J.P.M.L. 2002), and, with the consent of that court, assigned to the Honorable Patti B. Saris.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Massachusetts. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is
pending at this time, the
stay is lifted.

AUG 11 2005

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:

Michael J. Beck

Michael J. Beck
Clerk of the Panel

**UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge John F. Keenan
United States District Court
Southern District of New York

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

DIRECT REPLY TO:

Michael J. Beck
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: [202] 502-2800
Fax: [202] 502-2888

<http://www.jpml.uscourts.gov>

August 11, 2005

Sarah Thornton, Clerk
2300 John Joseph Moakley U.S. Courthouse
One Courthouse Way
Boston, MA 02210-3002

Re: MDL-1456 -- In re Pharmaceutical Industry Average Wholesale Price Litigation

The County of Madison v. Abbott Laboratories, Inc., et al., N.D. New York, C.A. No. 5:05-714
County of Jefferson v. Abbott Laboratories, Inc., et al., N.D. New York, C.A. No. 7:05-715

Dear Ms. Thornton:

I am enclosing a certified copy and one additional copy of a conditional transfer order filed by the Panel in the above-captioned matter on July 26, 2005. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

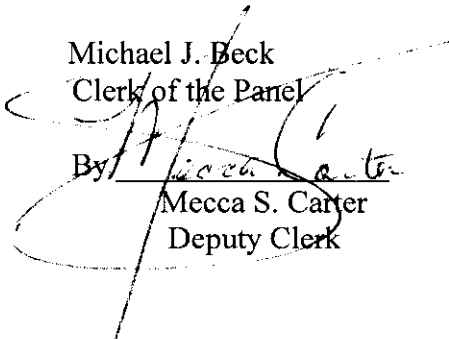
The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

Counsel for plaintiff is listed below:

THE COUNTY OF MADISON
COUNTY OF JEFFERSON
Aaron D. Hovan, Esq
Kirby, McInerney & Squire, L.L.P.
830 Third Avenue
10th Floor
New York, NY 10022

Very truly,

Michael J. Beck
Clerk of the Panel

By 
Mecca S. Carter
Deputy Clerk

Attachment

cc: Transferee Judge: Judge Patti B. Saris
Transferor Judges: Judge Thomas J. McAvoy; Judge Norman A. Mordue
Transferor Clerk: Lawrence K. Baerman

JPML Form 36

U.S. District Court
Northern District of New York [LIVE - Version 2.4] (Watertown)
CIVIL DOCKET FOR CASE #: 7:05-cv-00715-TJM-GJD

County of Jefferson v. Abbott Laboratories, Inc. et al
Assigned to: Judge Thomas J. McAvoy
Referred to: Magistrate Judge Gustave J. DiBianco
Cause: 42:1396 - Tort Negligence

Date Filed: 06/08/2005
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: Federal Question

Plaintiff

County of Jefferson

represented by **Aaron D. Hovan**
Kirby, McInerney Law Firm
830 Third Avenue
New York, NY 10022
212-371-6600
Fax: 212-751-2540
Email: ahovan@kmslaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joanne M. Cicala
Kirby, McInerney Law Firm
830 Third Avenue
New York, NY 10022
212-371-6600
Fax: 212-751-2540
Email: jcicala@kmslaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Roger W. Kirby
Kirby, McInerney Law Firm
830 Third Avenue
New York, NY 10022
212-371-6600
Fax: 212-751-2540
Email: iramirez@kmslaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Abbott Laboratories, Inc.

Defendant

Agouron Pharmaceuticals, Inc.

Defendant**Alcon Laboratories, Inc.****Defendant****Allergan, Inc.****Defendant****Alpharma, Inc.****Defendant****Amgen, Inc.****Defendant****Andrx Corp.****Defendant****Astrazeneca Pharmaceuticals L.P.****Defendant****Aventis Pharmaceuticals, Inc.****Defendant****Barr Laboratories, Inc.****Defendant****Bayer Corp.****Defendant****Ben Venue Laboratories, Inc.****Defendant****Berlex Laboratories, Inc.****Defendant****Biogen Idec, Inc.****Defendant****Biovail Pharmaceuticals, Inc.****Defendant****Boehringer Ingelheim Corp.****Defendant****Boehringer Ingelheim
Pharmaceuticals, Inc.****Defendant****Bristol-Meyers Squibb Company**

Defendant**Dermik Laboratories, Inc.****Defendant****Dey, Inc.****Defendant****Eisai, Inc.****Defendant****Eli Lilly and Company****Defendant****Endo Pharmaceuticals, Inc.****Defendant****Ethex Corp.****Defendant****Forest Laboratories, Inc.****Defendant****Forest Pharmaceuticals, Inc.****Defendant****Fujisawa Healthcare, Inc.****Defendant****Fujisawa USA, Inc.****Defendant****Genentech, Inc.****Defendant****Genzyme Corp.****Defendant****Gilead Sciences, Inc.****Defendant****Glaxosmithkline, P.L.C.****Defendant****Greenstone, Ltd.****Defendant****Hoffman-La Roche, Inc.**

Defendant**Immunex Corp.****Defendant****Ivax Corp.****Defendant****Ivax Pharmaceuticals, Inc.****Defendant****Janssen Pharmaceutica Products, LP****Defendant****Johnson & Johnson****Defendant****King Pharmaceuticals****Defendant****McNeil-PPC, Inc.****Defendant****Medimmune, Inc.****Defendant****Merck & Co., Inc.****Defendant****Monarch Pharmaceuticals, Inc.****Defendant****Mylan Laboratories, Inc.****Defendant****Mylan Pharmaceuticals, Inc.****Defendant****Novartis Pharmaceuticals Corp.****Defendant****Novo Nordisk Pharmaceuticals, Inc.****Defendant****Oncology Therapeutics Network
Corp.****Defendant****Organon Pharmaceuticals USA, Inc.**

Defendant**Ortho Biotech Products LP****Defendant****Ortho-McNeil Pharmaceutical, Inc.****Defendant****Par Pharmaceutical, Inc.****Defendant****Pfizer, Inc.****Defendant****Pharmacia Corp.****Defendant****Purdue Pharma, L.P.****Defendant****Purepac Pharmaceutical Co.****Defendant****Reliant Pharmaceuticals****Defendant****Roche Laboratories, Inc.****Defendant****Roxane Laboratories, Inc.****Defendant****Sandoz, Inc.****Defendant****Sanofi-Synthelabo, Inc.****Defendant****Schering Corp.****Defendant****Schering-Plough Corp.****Defendant****Serono, Inc.****Defendant****Smithklinebeeckham Corp.***doing business as*

Glaxosmithkline

Defendant

**Takeda Pharmaceuticals North
America, Inc.**

Defendant

Tap Pharmaceutical Products, Inc.

Defendant

Teva Pharmaceutical USA, Inc.

Defendant

UCB Pharma, Inc.

Defendant

UDL Laboratories, Inc.

Defendant

Warrick Pharmaceuticals Corp.

Defendant

Watson Pharma, Inc.

Defendant

Watson Pharmaceuticals, Inc.

Defendant

Wyeth

Date Filed	#	Docket Text
06/08/2005	<u>1</u>	COMPLAINT against Alpharma, Inc., Amgen, Inc., Andrx Corp., Astrazeneca Pharmaceuticals L.P., Aventis Pharmaceuticals, Inc., Barr Laboratories, Inc., Bayer Corp., Ben Venue Laboratories, Inc., Berlex Laboratories, Inc., Biogen Idec, Inc., Biovail Pharmaceuticals, Inc., Boehringer Ingelheim Corp., Boehringer Ingelheim Pharmaceuticals, Inc., Bristol-Meyers Squibb Company, Dermik Laboratories, Inc., Dey, Inc., Eisai, Inc., Eli Lilly and Company, Endo Pharmaceuticals, Inc., Ethex Corp., Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Genentech, Inc., Genzyme Corp., Gilead Sciences, Inc., Glaxosmithkline, P.L.C., Greenstone, Ltd., Hoffman-La Roche, Inc., Immunex Corp., Ivax Corp., Ivax Pharmaceuticals, Inc., Janssen Pharmaceutica Products, LP, Johnson & Johnson, King Pharmaceuticals, McNeil-PPC, Inc., Medimmune, Inc., Merck & Co., Inc., Monarch Pharmaceuticals, Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., Novartis Pharmaceuticals Corp., Novo Nordisk Pharmaceuticals, Inc., Oncology Therapeutics Network Corp.,

		<p>Organon Pharmaceuticals USA, Inc., Ortho Biotech Products LP, Ortho-McNeil Pharmaceutical, Inc., Par Pharmaceutical, Inc., Pfizer, Inc., Pharmacia Corp., Purdue Pharma, L.P., Purepac Pharmaceutical Co., Reliant Pharmaceuticals, Roche Laboratories, Inc., Roxane Laboratories, Inc., Sandoz, Inc., Sanofi-Synthelabo, Inc., Schering Corp., Schering-Plough Corp., Abbott Laboratories, Inc., Serono, Inc., Smithklinebeecham Corp., Takeda Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Teva Pharmaceutical USA, Inc., UCB Pharma, Inc., UDL Laboratories, Inc., Warrick Pharmaceuticals Corp., Watson Pharma, Inc., Agouron Pharmaceuticals, Inc., Watson Pharmaceuticals, Inc., Wyeth, Alcon Laboratories, Inc., Allergan, Inc. (Filing fee \$ 250 receipt number ALB000912) filed by County of Jefferson. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E)(wbl,) (Entered: 06/09/2005)</p>
06/08/2005		<p>Summons Issued as to Alpharma, Inc., Amgen, Inc., Andrx Corp., Astrazeneca Pharmaceuticals L.P., Aventis Pharmaceuticals, Inc., Barr Laboratories, Inc., Bayer Corp., Ben Venue Laboratories, Inc., Berlex Laboratories, Inc., Biogen Idec, Inc., Biovail Pharmaceuticals, Inc., Boehringer Ingelheim Corp., Boehringer Ingelheim Pharmaceuticals, Inc., Bristol-Meyers Squibb Company, Dermik Laboratories, Inc., Dey, Inc., Eisai, Inc., Eli Lilly and Company, Endo Pharmaceuticals, Inc., Ethex Corp., Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Genentech, Inc., Genzyme Corp., Gilead Sciences, Inc., Glaxosmithkline, P.L.C., Greenstone, Ltd., Hoffman-La Roche, Inc., Immunex Corp., Ivax Corp., Ivax Pharmaceuticals, Inc., Janssen Pharmaceutica Products, LP, Johnson & Johnson, King Pharmaceuticals, McNeil-PPC, Inc., Medimmune, Inc., Merck & Co., Inc., Monarch Pharmaceuticals, Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., Novartis Pharmaceuticals Corp., Novo Nordisk Pharmaceuticals, Inc., Oncology Therapeutics Network Corp., Organon Pharmaceuticals USA, Inc., Ortho Biotech Products LP, Ortho-McNeil Pharmaceutical, Inc., Par Pharmaceutical, Inc., Pfizer, Inc., Pharmacia Corp., Purdue Pharma, L.P., Purepac Pharmaceutical Co., Reliant Pharmaceuticals, Roche Laboratories, Inc., Roxane Laboratories, Inc., Sandoz, Inc., Sanofi-Synthelabo, Inc., Schering Corp., Schering-Plough Corp., Abbott Laboratories, Inc., Serono, Inc., Smithklinebeecham Corp., Takeda Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Teva Pharmaceutical USA, Inc., UCB Pharma, Inc., UDL Laboratories, Inc., Warrick Pharmaceuticals Corp., Watson Pharma, Inc., Agouron Pharmaceuticals, Inc., Watson Pharmaceuticals, Inc., Wyeth, Alcon Laboratories, Inc., Allergan, Inc.. (wbl,) (Entered: 06/09/2005)</p>
06/08/2005	2	<p>G.O. 25 FILING ORDER ISSUED Initial Conference set for 10/6/2005 11:30 AM in Syracuse before Magistrate Judge Gustave J. DiBianco. Civil Case Management Plan due by 9/26/2005. (wbl,) (Entered: 06/09/2005)</p>

PACER Service Center			
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